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EXAMINER
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FRISBY, KESHA

ART UNIT	PAPER NUMBER
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3714

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

# Office Action Summary

Application No.

10/757,953

Applicant(s)

NELSON ET AL.

Examiner

Kesha Frisby

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 15 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-69 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-69 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 5/13/2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/2/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed 7/2/2004 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. The documents that have not been considered are AM-AP & BA. It has been placed in the application file, but the information referred to therein has not been considered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 37-39 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

This disclosure fails to state or teach one of ordinary skill in the art of a "Remora Course". No working examples disclosing the necessary description have been provided. Without this disclosure, one skilled in the art cannot practice the invention without undue experimentation because of the unknown description of a "Remora Course".

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1-6, 10, 41, 43, 44 & 65-68 are rejected under 35 U.S.C. 102(b) as being anticipated by Makipaa (U.S. Patent Number 5,489,213).**

Referring to claim 1, Makipaa discloses a. a database for holding training data (the files on the compact disc 2 and file server 3), a subset of said training data being targeted data for teaching at least one specific trainee having a specific training need (column 3 lines 4-7); b. a server computer connected to the network and having access to the training data in the database (inherent: Fig. 1: personal computer 5 or a work station connected to the file server which is being considered a local network); and c. said system identifying trainees who connect to the system to obtain training, the identity of whom triggers the extraction of the targeted data from the database (Fig. 1: employee badge reader 1 & the associated text) and the presentation of the targeted data by the server to train the specific trainee identified (column 2 lines 10-15, column 3 lines 4-7 & Fig. 1: using the work station or personal computer to display documentation).

Referring to claim 2, Makipaa discloses wherein the specific training need is to avoid risk, said targeted data being selected based upon risk exposure data to provide training that will allow said specific trainee to avoid risk by applying the training (Figs. 1-3: business conduct and ethics & Fig. 3 is used to prohibit sexual harassment).

Referring to claim 3, Makipaa discloses wherein the training data is dynamically retrieved and presented to the specific trainee as the specific trainee takes the training (Fig. 2 & column 3 lines 4-7).

Referring to claim 4, Makipaa discloses wherein the training data dynamically retrieved and presented to the specific trainee includes at least a portion of said targeted data (Fig. 2 & column 3 lines 4-7).

Referring to claim 5, Makipaa discloses wherein the training data includes at least one of text, audio, image, and video data (column 3 lines 4-7).

Referring to claim 6, Makipaa discloses wherein said training data is in a plurality of discrete segments (column 2 lines 59-61) and the presentation timing of the discrete elements is at least partially under the control of the specific trainee (the examiner views this limitation as when the employee accesses these files).

Referring to claim 10, Makipaa discloses further comprising a testing system for testing trainees who take the training offered by the system (Fig. 2: boxes 3 & 5: quiz).

Referring to claim 41, Makipaa discloses wherein the specific training need is to avoid ethics and compliance risk (Figs. 1-3: the description of the drawings: business conduct and business ethics), said targeted data being selected by compliance experts (Figs. 2 & 3: remedial education that is selected for the program by the company).

Referring to claim 43, Makipaa discloses a. identifying general training data for training trainees on a selected topic (column 2 lines 59-61); b. considering the particular characteristics of at least one specific trainee and identifying specific training data that will reduce the risk of non-compliance of that specific trainee (Figs. 1-3: business

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conduct and ethics & Fig. 3 is used to prohibit sexual harassment); c. storing the general training data and the specific training data in a database (Fig. 1: compact disc 2 and file server); d. providing a server computer connected to the network and having access to the database (inherent: Fig. 1: personal computer 5 or work station connected to the file server which is being considered a local network); and e. presenting the general training data and the specific training data to the trainee over the network (column 2 lines 10-15, column 3 lines 4-7 & Fig. 1: using the work station or personal computer to display documentation).

Referring to claim 44, Makipaa discloses further including the step of monitoring the training activities of trainees by storing information about the trainee's completion of training material in a database (column 3 lines 23-27).

Referring to claim 65, Makipaa discloses wherein said step of considering includes reviewing data related to risk exposure of the specific trainee and said step of presenting includes presenting training to avoid risk (Fig. 1).

Referring to claim 66, Makipaa discloses wherein said step of presenting includes dynamically retrieving and presenting general and specific training data from the database (Fig. 1-3).

Referring to claim 67, Makipaa discloses further including the steps of developing and displaying training control options to the trainee and associating the training control options with portions of at least one of the general and specific training data and wherein said step of presentation includes displaying the training control options to the

trainee and providing at least one of said general and specific training data to the trainee in response to selecting a training control option (Figs. 1-3).

Referring to claim 68, Makipaa discloses wherein said step of presentation includes presenting at least one of said general and specific training data absent a selection of a training control option (Fig. 1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**7. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa in view of Casey-Cholakis et al. (U.S. Patent Number 6,48,353).**

Referring to claim 7, Makipaa discloses the system of claim 6. *Makipaa does not disclose wherein the presentation of said training data is at least partially in response to the selection of a displayed link and wherein at least a portion of said targeted data is presented in response to the selection of a displayed link.* However, Casey-Cholakis et al. teaches wherein the presentation of said training data is at least partially in response to the selection of a displayed link (column 3 line 48-column 4 line 55) and wherein at least a portion of said targeted data is presented in response to the selection of a displayed link (column 3 line 48-column 4 line 55). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include selected a

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displayed link, as disclosed by Casey-Cholakis et al., incorporated into Makipaa in order for the trainee to choose which training program to take next.

Referring to claim 9, Makipaa, as modified by Casey-Cholakis et al., discloses where at least a portion of said targeted data is displayed without the selection of a displayed link (the quiz is accessed automatically after the tutorial of Makipaa).

**7. Claims 11-15 & 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa in view of Stuppy (U.S. Patent Number 6,146,148).**

Referring to claim 11, Makipaa discloses the system of Claim 10. *Makipaa does not disclose wherein said testing system utilizes questions randomly selected from a list of questions.* However, Stuppy teaches wherein said testing system utilizes questions randomly selected from a list of questions (column 13 lines 55-58 & line 66-column 4 line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include questions randomly selected, as disclosed by Stuppy, incorporated into Makipaa so that no two students will have the same test.

Referring to claim 12, Makipaa, as modified by Stuppy, discloses wherein the testing criteria is 100% accuracy in answering test questions (column 3 lines 10-15 of Makipaa).

Referring to claim 13, Makipaa, as modified by Stuppy, discloses wherein the testing conducted by said testing system includes notification to the trainee of right and wrong answers (the examiner views this limitation as since the employee has to take remedial education if they answer a question incorrectly and no additional testing is done on a



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correct answer then that means the employee knows if they answered that question right or wrong & column 3 lines 10-29 of Makipaa).

Referring to claim 14, Makipaa, as modified by Stuppy, discloses wherein said testing system provides remedial lesson data to trainees to teach subject matter relating to a wrongly answered question (Figs. 2 & 3 & 5: boxes 3.2R-3nR & boxes 4.1-4.n of Makipaa).

Referring to claim 15, Makipaa, as modified by Stuppy, discloses wherein said testing system includes retesting on wrongly answered questions (Figs. 2 & 3: After the remedial education takes place the employee is allowed to retest of Makipaa).

Referring to claims 17-19, Makipaa discloses the system of Claim 2 and wherein said tracking system ascertains that the trainee has successfully completed the training intended for the trainee (column 4 lines 4 & 5: the employee has answered all core questions correctly) and conveys confirmation to the trainee that they have successfully completed training (abstract: printing a certificate of completion). *Makipaa does not disclose further comprising a tracking system for tracking and recording the identity of training data that has been reviewed by each specific trainee, wherein said tracking system provides an indicator to the trainee to show the content of training data that has already been reviewed by the trainee.* However, Stuppy teaches further comprising a tracking system for tracking and recording the identity of training data that has been reviewed by each specific trainee (column 11 lines 10-14), wherein said tracking system provides an indicator to the trainee to show the content of training data that has already been reviewed by the trainee (column 11 lines 14-17: update student profile). It would

have been obvious to one of ordinary skill in the art at the time the invention was made to include a tracking system, as disclosed by Stuppy, incorporated into Makipaa in order to track student progress.

Referring to claim 20, Makipaa, as modified by Stuppy, discloses wherein the ascertainment of completion of training is conducted by a programmatic completion agent (Figs. 1-3: box 6: program of Makipaa).

**8. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa/Stuppy and further in view of Simon (U.S. Patent Number 6,498,920).**

Referring to claim 16, Makipaa discloses the system of Claim 15. *Makipaa does not disclose wherein questions posed on retesting inquire into the same subject areas of prior failed questions, but are reformatted so as not to duplicate a prior failed question.*

However, Simon teaches wherein questions posed on retesting inquire into the same subject areas of prior failed questions, but are reformatted so as not to duplicate a prior failed question (column 5 lines 20-22). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include retesting with different questions, as disclosed by Simon, incorporated into Makipaa/Stuppy so that user actually knows the answer instead of just remembering the answer from before.

**9. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa/Stuppy and further in view of Casey-Cholakakis et al. (U.S. Patent Number 6,438,353).**

Referring to claim 21, Makipaa/Stuppy discloses the system of Claim 17.

Makipaa/Stuppy does not disclose further comprising a timer for timing the rate at which

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a trainee proceeds through said training data and incentivizes the trainee to review said training data at a selected pace to promote comprehension thereof. However, Casey-Cholakis et al. teaches further comprising a timer for timing the rate at which a trainee proceeds through said training data (column 7 lines 31 & 32) and incentivizes the trainee to review said training data at a selected pace to promote comprehension thereof (send e-mail). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a timer and incentives, as disclosed by Casey-Cholakis et al., incorporated into Makipaa/Stuppy so that administrator can know how much time was spent on training, as well as, let the user know that there are training programs that need to be completed.

**10. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa/Stuppy and further in view of Miller et al. (U.S. Patent Number 6,587,668).**

Referring to claim 22, Makipaa/Stuppy discloses the system of Claim 17.

*Makipaa/Stuppy does not disclose wherein said tracking system notifies an employer of the trainee as to the status of the trainee's review of said training data.* However, Miller et al. teaches wherein said tracking system notifies an employer of the trainee as to the status of the trainee's review of said training data (column 8 lines 30-37 & lines 55-57).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a tracking system, as disclosed by Miller et al., incorporated into Makipaa/Stuppy so that the employee can track the training that the employees are taking.

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**11. Claims 23-28, 29-31, 42, 45, 46, 55, 56, 64 & 69 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa in view of Casey-Cholakis et al. (U.S. Patent Number 6,438,353).**

Referring to claims 23-28, Makipaa discloses the system of Claim 2. *Makipaa does not disclose further comprising a subscription management system, said subscription management system including an SMS database of trainee data and means for searching the database of trainee data to ascertain what particular training is required for each trainee and for sending the trainees emails to incentivize them to take the training (claim 23), wherein said means for searching includes a programmatic enrollment agent that evaluates when a trainee should be enrolled in a particular course of training by examining information in the database about the trainee's risk group, curriculum, and previous training (claim 24) and wherein the enrollment agent modifies data in the SMS database tables to trigger the preparation of an email to be sent to the trainee and the modification of the trainee data so as to locate and display the newly enrolled training information when the trainee logs in to the system (claim 25), wherein, said SMS database further includes data about trainees, courses, course curriculums, risk groups, course customization and email content (claim 26), wherein said SMS database contains a schedule for taking training and said emails are sent to promote the trainee to take the training in accordance with the schedule (claim 27) and wherein said emails have content stored and targeted at least one specific trainee (claim 28).*

However, Casey-Cholakis et al. teaches further comprising a subscription management system, said subscription management system including an SMS database of trainee

data and means for searching the database of trainee data to ascertain what particular training is required for each trainee and for sending the trainees emails to incentivize them to take the training (column 4 lines 44-51), wherein said means for searching includes a programmatic enrollment agent that evaluates when a trainee should be enrolled in a particular course of training by examining information in the database about the trainee's risk group, curriculum, and previous training (column 4 lines 38-42) and wherein the enrollment agent modifies data in the SMS database tables to trigger the preparation of an email to be sent to the trainee and the modification of the trainee data so as to locate and display the newly enrolled training information when the trainee logs in to the system (column 4 lines 53-55), wherein, said SMS database further includes data about trainees, courses, course curriculums, risk groups, course customization and email content (database 70), wherein said SMS database contains a schedule for taking training (column 4 lines 35 & 36) and said emails are sent to promote the trainee to take the training in accordance with the schedule (column 4 lines 47-51) and wherein said emails have content stored and targeted at least one specific trainee (inherent: the e-mails that sent and/or received are saved and directed to at least one person). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a subscription management system, as disclosed by Casey-Cholakis et al., incorporated into Makipaa in order to track what training is required for each user and what training has been completed by each user. Referring to claims 29-31, Makipaa discloses the system of Claim 2. *Makipaa does not disclose further comprising a programmatic email agent for sending emails to trainees,*

*wherein the emails sent by the email agent are composed from information in an email queue and from information stored in tables of the Subscription Management System and wherein the email address is verified and the content and date of emails sent is stored in a database table.* However, Casey-Cholakis et al. teaches further comprising a programmatic email agent for sending emails to trainees (column 4 lines 38-42: administrator), wherein the emails sent by the email agent are composed from information in an email queue and from information stored in tables of the Subscription Management System (column 4 lines 44-51) and wherein the email address is verified and the content and date of emails sent is stored in a database table (inherent: this is the way e-mail works in general). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a programmatic email agent, as disclosed by Casey-Cholakis et al., incorporated into Makipaa in order to notify the users that they must complete the training program.

Referring to claim 42, Makipaa discloses the system of Claim 2. Makipaa does not disclose further comprising a subscription management system administrator program for controlling training data that is available to a trainee, when it is available and the content of emails to be sent to the trainee. However, Casey-Cholakis et al. teaches further comprising a subscription management system administrator program for controlling training data that is available to a trainee, when it is available and the content of emails to be sent to the trainee (column 2 lines 52-54). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to include a subscription management system administrator program, as disclosed in Casey-

Cholakis et al., incorporated into Makipaa in order to present the training program to the user systems.

Referring to claim 45, Makipaa discloses the method of Claim 44. *Makipaa does not disclose further comprising the step of communicating with the trainees to incentivize them to take training.* However, Casey-Cholakis et al. further comprising the step of communicating with the trainees to incentivize them to take training (column 4 lines 47-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include communicating with trainees, as disclosed by Casey-Cholakis et al., incorporated into Makipaa so that the trainee will know what training programs need to be completed.

Referring to claim 46, Makipaa, as modified by Casey-Cholakis et al., discloses further comprising the step of testing the trainee on their comprehension of the training data (abstract: displaying a quiz on the computer display of Makipaa).

Referring to claim 55, Makipaa, as modified by Casey-Cholakis et al., discloses further including the step of providing remedial training data to the trainee for information the trainee has failed to comprehend as discerned by said step of testing (Figs. 2 & 3: boxes 3 & 5).

Referring to claim 56, Makipaa, as modified by Casey-Cholakis et al., discloses further comprising the step of retesting the trainee on topics previously failed by the trainee (column 3 lines 10-18 of Makipaa).

Referring to claim 69, Makipaa discloses the method of Claim 43. *Makipaa does not disclose further comprising the step of scheduling training for trainees.* However,

Casey-Cholakis et al. teaches further comprising the step of scheduling training for trainees (column 4 lines 35 & 36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include scheduling, as disclosed by Casey-Cholakis et al. so that the trainee will know what training programs need to be completed and when they are due.

Referring to claim 64, Makipaa discloses the method of Claim 44. *Makipaa does not disclose further comprising the step of displaying a series of indicators such as a "checkmark" to indicate to the trainee which parts of the course have been completed when the trainee signs on later.* However, Casey-Cholakis et al. teaches further comprising the step of displaying a series of indicators such as a "checkmark" to indicate to the trainee which parts of the course have been completed when the trainee signs on later (designators). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include checkmarks, as disclosed by Casey-Cholakis et al., incorporated into Makipaa in order to let the trainee know what has been completed.

**12. Claims 32, 33, 35, 36 & 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa in view of Miller et al..**

Referring to claims 32, 33, 35, 36 & 57, Makipaa discloses the system of Claim 2 and wherein the standard for testing is 100% (Fig. 3: boxes 3, 5 & 6 & the associated text). *Makipaa does not disclose wherein the training data includes portal data for presenting a customized portal, wherein the custom portal displays portal data showing sponsorship of the training by an entity having a relationship to the specific trainee,*



*wherein said portal data includes at least one of an employer's policies, procedures and ethics and compliance programs, wherein said custom portal provides access for the trainee to enter a next assigned course of training data in a curriculum and wherein said custom portal provides access for the trainee to enter optional courses of training data preselected for the trainee.* However, Miller et al. teaches wherein the training data includes portal data for presenting a customized portal (Fig. 6), wherein the custom portal displays portal data showing sponsorship of the training by an entity having a relationship to the specific trainee (Figs. 5 & 6), wherein said portal data includes at least one of an employer's policies, procedures and ethics and compliance programs (Fig. 3: the examiner views this limitation as the topics of interest for the division), wherein said custom portal provides access for the trainee to enter a next assigned course of training data in a curriculum (Fig. 6: 500 & associated text) and wherein said custom portal provides access for the trainee to enter optional courses of training data preselected for the trainee (Fig. 6: 500 and associated text). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include training data that includes portal data, as disclosed by Miller et al., incorporated into Makipaa in order to provided integrated access to training that is specified by the cooperation.

**13. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa in view of Ziv-El (U.S. Patent Number 6,302,698).**

Referring to claim 37, Makipaa discloses the system of Claim 2. *Makipaa does not disclose wherein said training data includes a plurality of standard courses, wherein*

*said training data includes at least one standard course that has been partially modified to constitute a Remora Course and wherein said training data includes custom content displayed to a specific trainee when at least one of said standard courses and said Remora Course is viewed.* However, Ziv-El teaches wherein said training data includes a plurality of standard courses (lessons offered), wherein said training data includes at least one standard course that has been partially modified to constitute a Remora Course (Figures) and wherein said training data includes custom content displayed to a specific trainee when at least one of said standard courses and said Remora Course is viewed (Figs. 13-16). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include training data, as disclosed by Ziv-El, incorporated into Makipaa so that the student knows what lessons to attempt.

Referring to claim 40, Makipaa discloses the system of Claim 2. *Makipaa does not disclose wherein said at least one specific trainee is a plurality of trainees, a portion of whom have similar training needs and wherein this portion is grouped, such that each of the persons in this portion receive the same training data.* However, Ziv-El teaches wherein said at least one specific trainee is a plurality of trainees (class roster), a portion of whom have similar training needs and wherein this portion is grouped, such that each of the persons in this portion receive the same training data (column 10 lines 51-56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a plurality of trainees with similar training needs, as disclosed by Ziv-El, incorporated into Makipaa so that all the students in the same class can receive the same training.

**14. Claims 47-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa/Casey-Cholakis et al. and further in view of Simon.**

Referring to claims 47 & 53, Makipaa/Casey-Cholakis et al. discloses the method of Claim 46. Makipaa/Casey-Cholakis et al. does not disclose wherein during the step of testing the trainee is asked to click on the correct button containing text of the most correct answer from a number of possible answers to a displayed question and further comprising the step of automatically generating an email to a recipient indicating that the trainee has completed training. However, Simon teaches wherein during the step of testing the trainee is asked to click on the correct button containing text of the most correct answer from a number of possible answers to a displayed question (Figs. 5-10) and further comprising the step of automatically generating an email to a recipient indicating that the trainee has completed training (column 4 lines 47-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include trainee clicking on the correct button, as disclosed by Simon, incorporated into Makipaa/Casey-Cholakis et al. in order to determine if the user picked the correct answer or not.

Referring to claim 48, Makipaa/Casey-Cholakis et al., as modified by Simon, discloses further comprising the step of evaluating if the trainee clicked on the correct button and storing such evaluation to determine if the trainee answered all questions correctly so as to have a test score of 100% after all questions are complete (Figs. 2 & 3: boxes 3-5 of Makipaa).

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Referring to claim 49, Makipaa/Casey-Cholakis et al., as modified by Simon, discloses further including the step of displaying the question numbers of the questions answered incorrectly and providing remedial training data to the trainee for information the trainee has failed to comprehend as discerned by said step of testing (Figs. 2 & 3: boxes 3 & 5 of Makipaa).

Referring to claim 50, Makipaa/Casey-Cholakis et al., as modified by Simon, discloses further comprising the step of retesting the trainee on topics previously failed by the trainee by repeating all questions not previously answered correctly by trainee but in so doing not repeating those questions that the trainee did correctly answer previously (column 3 lines 10-18 of Makipaa).

Referring to claim 51, Makipaa/Casey-Cholakis et al., as modified by Simon, discloses where the retesting step is repeated until the trainee has answered all questions correctly (column 3 lines 10-18 of Makipaa).

Referring to claim 52, Makipaa/Casey-Cholakis et al., as modified by Simon, discloses further comprising the step of storing data in the database to indicate that the trainee has completed all sections of the material and answered all test questions correctly, noting when this occurred (column 3 lines 23-29 of Makipaa).

**15. Claim 54 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa/Casey-Cholakis et al./Simon and further in view of Munson et al. (U.S. Patent Number 5,035,625).**

Referring to claim 54, Makipaa/Casey-Cholakis et al./Simon discloses the method of Claim 47. Makipaa/Casey-Cholakis et al./Simon does not disclose wherein the answers

displayed for each question in the testing are displayed in a random order each time the testing is conducted. However, Munson et al. teaches wherein the answers displayed for each question in the testing are displayed in a random order each time the testing is conducted (column 7 lines 26-31). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include wherein the answers displayed for each question in the testing are displayed in a random order each time the testing is conducted, as disclosed by Munson et al., incorporated into Makipaa/Casey-Cholakis et al./Simon so that the student is prevented from determining the correct answer merely by the position of the answer on the screen.

**16. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa/Miller et al. and further in view of Stuppy.**

Referring to claim 58, Makipaa/Miller et al. discloses the method of claim 35.

*Makipaa/Miller et al. does not disclose wherein said step of testing includes randomly selecting test questions from a list of possible questions.* However, Stuppy discloses wherein said step of testing includes randomly selecting test questions from a list of possible questions (column 13 lines 55-58 & line 66-column 4 line 1). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include questions randomly selected, as disclosed by Stuppy, incorporated into Makipaa so that no two students will have the same test.

**17. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa/Miller et al. and further in view of Casey-Cholakis et al..**

Referring to claim 59, Makipaa/Miller et al. discloses the method of claim 34.

Makipaa/Miller et al. does not disclose wherein said step of communicating includes sending emails to the trainee. However, Casey-Cholakis et al. teaches wherein said step of communicating includes sending emails to the trainee (column 4 lines 47-51). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include sending e-mail, as disclosed by Casey-Cholakis et al. in order to let the trainees know what training is required.

**18. Claims 60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Makipaa in view of Samph et al. (U.S. Patent Number 5,024,813).**

Referring to claim 60, Makipaa discloses the method of claim 44. *Makipaa does not disclose further comprising the step of displaying a message to the trainee if they attempt to exit a section of the training course without viewing all information required for the satisfactory completion of that section and wherein the message displayed indicated the specific information that has not been satisfactorily completed.* However, Samph et al. teaches further comprising the step of displaying a message to the trainee if they attempt to exit a section of the training course without viewing all information required for the satisfactory completion of that section (column 23 lines 33-41) and wherein the message displayed indicated the specific information that has not been satisfactorily completed (column 18 line 68-column 19 line 9: the examiner views this limitation as if the time as ran out). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include displaying a message, as

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disclosed by Samph et al., incorporated into Makipaa in order to make sure the examinee wants to exit the exam.

Referring to claim 62, Makipaa discloses the method of Claim 44. *Makipaa does not disclose further comprising the step of timing the rate at which trainees view training data and comparing such rate against a previously determined minimum time value.*

However, Samph et al. teaches further comprising the step of timing the rate at which trainees view training data and comparing such rate against a previously determined minimum time value (column 18 lines 62-64) and further comprising the step of displaying a message to the trainee that their rate of training is less than the minimum time value and requiring the trainee to spend additional time viewing the training data before they are able to continue to the next topic (column 18 line 54-column 19 line 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include timing, as disclosed by Samph et al., incorporated into Makipaa in order to see if the trainees are spending sufficient time viewing the training data.

#### ***Citation of Pertinent Prior Art***

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hollingsworth (U.S. Patent Number 6,157,808) teaches a computerized employee certification and training system.

Banerjee et al. (U.S. Publication Number 2003/0044760) teaches a method for improved administering of tests using customized user alerts.

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**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kesha Frisby whose telephone number is 571-272-8774. The examiner can normally be reached on Mon. - Wed. 7-3pm & Thurs. - Fri. 7-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on 571-272-6678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Kyf 1/3/2007

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